

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
WINSTON-SALEM DIVISION**

FEDERAL TRADE COMMISSION,
STATE OF CALIFORNIA, STATE OF
COLORADO, STATE OF ILLINOIS,
STATE OF INDIANA, STATE OF IOWA,
STATE OF MINNESOTA, STATE OF
NEBRASKA, STATE OF OREGON,
STATE OF TENNESSEE, STATE OF
TEXAS, STATE OF WASHINGTON, and
STATE OF WISCONSIN,

Plaintiffs,

v.

SYNGENTA CROP PROTECTION AG,
SYNGENTA CORPORATION,
SYNGENTA CROP PROTECTION, LLC,
and CORTEVA, INC.,

Defendants.

Case No. 1:22-cv-00828-TDS-JEP

**PLAINTIFFS' NOTICE OF
WITHDRAWAL OF MOTION TO
STRIKE AS UNTIMELY
DECLARATION OF DAVID
ROSENTHAL ON SWISS LAW**

Plaintiffs hereby give notice of the withdrawal, without prejudice, of their Motion to Strike the Declaration of David Rosenthal as untimely under Fed. R. Civ. P. 6(c)(2) and Local Rules 7.3(e) and (f) (Doc. 252). In support of this withdrawal, Plaintiffs state as follows:

1. On August 12, 2024, following an extensive meet and confer process and the completion of briefing on whether Defendant Syngenta Crop Protection AG, a Swiss company, may claim a blanket exemption from discovery in this action on the basis of Swiss law, Syngenta notified Plaintiffs and the Court of its intent to raise an issue of

foreign law at the August 15, 2024, hearing on Plaintiffs’ Motion to Compel (Doc. 248) (the “Notice”).

2. On August 14, 2024, Plaintiffs moved to strike as untimely the Declaration of David Rosenthal appended to Defendants’ notice—which totaled approximately 170 pages—because Syngenta submitted it just three days before the Court was scheduled to hear the Motion to Compel (Doc. 252) (the “Motion to Strike”).

3. On September 3, 2024, Syngenta withdrew the Notice (Doc. 258).

4. Plaintiffs maintain that the Notice is untimely as to the pending Motion to Compel and the August 15 hearing. In the interest of judicial economy, however, and in light of Syngenta’s withdrawal, Plaintiffs respectfully withdraw their Motion to Strike as moot.

5. Plaintiffs reserve all rights to respond if Syngenta re-files the Declaration of David Rosenthal or other materials in support of supplemental briefing on the issues presented in Plaintiffs’ Motion to Compel.

Dated: September 11, 2024

Respectfully submitted,

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